

REMARKS/ARGUMENTS

Claims 1, 3-10, 12-20 and 22-39 were pending in the present application. By virtue of this response, claims 2, 11, and 21 have been cancelled, and claims 1, 3-6, 8-10, 14-17, 22-27 and 29-31 have been amended. No new claims have been added. Accordingly, claims 1, 3-10, 12-20 and 22-39 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

Claim Objections

The Examiner objected to claims 23 and 27 as method and apparatus claims improperly depending upon apparatus and method claims, respectively. Accordingly, Applicants have amended claims 23 and 27 to correct this informality.

The Examiner objected to claims 1, 14 and 15 on the grounds that “data” and “data track” are ambiguous and not clearly defined. Although Applicant respectfully disagrees, Applicant has, nevertheless, amended claims 1, 14 and 15 to clarify that “data” refers to user data. Support for this definition can be found in the application at page 7. Applicant has not, however, amended the term “data track,” given that, from the context of the claims, it follows from the amendment of “data” that a data track is a track upon which user data is stored.

Rejections under 35 USC § 103

Claims 1-5, 10, 12-15, 18-24, and 31-39 are rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,108,159, (“Nute”) in view of U.S. Patent No. 6,594,103 (“Despain”).

Applicant has amended independent claims 1, 14 and 15 to recite adjusting “the position of the data head [“data head structure” in claim 15] relative to the data track until a predetermined level of improvement in the signal quality [“signal quality values” in claim 15] is achieved.” Contrary to the Examiner’s assertion with respect to (now cancelled) claim 2, Nute does not

“determin[e] changes in the signal quality corresponding to changes in data head position until a predetermined level of improvement in the signal quality is achieved.” In that context, the Examiner referred to column 2, lines 2-10. That text merely refers to comparing servo signals with reference signals for form a position output signal. The head assembly is moved in response to the position output signal to reduce positional alignment errors between the data transducer and a selected data track. Thus, Nute does not disclose or suggest the limitations of the amended independent claims. Consequently, amended independent claims 1, 14 and 15 and the claims dependent thereon are patentable over Nute in view of Despain.

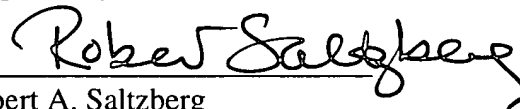
CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conversation would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **249212015000**. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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